

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

CONTESSA TODD

19-13066-JDW

NOTICE OF OBJECTION TO PROOF OF CLAIM

YOU ARE HEREBY NOTIFIED that an objection to your claim has been filed in the above referenced bankruptcy case. Your claim may be reduced, modified, or eliminated. If you do not want the Court to eliminate or change your claim, a written response to the attached objection to proof of claim must be filed with:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

and a copy must be served on the undersigned Chapter 13 Trustee and the Debtor(s) attorney on or before thirty (30) days from the date of this notice. In the event a written response is filed, the court will notify you of the date, time and place of the hearing thereon.

Dated: August 21, 2019

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
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IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

CONTESSA TODD

19-13066-JDW

OBJECTION TO PROOF OF CLAIM (Clm. #1-1)

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”) by and through counsel, and files this Objection to the Proof of Claim (Clm. #1-1) (the “Objection”), and in support thereof states as follows:

1. On August 12, 2019, Holiday City Auto Sales (the “Creditor”) filed a Proof of Claim herein in the amount of \$8,317.90 (Clm. #1-1) (the “Claim”) asserting a security interest in a 2015 Nissan Altima (the “Collateral”).

2. The Creditor failed to attach documents evidencing a perfected security interest in the Collateral. Specifically, the Creditor failed to attach a Certificate of Title for the Collateral. Therefore, the Claim does not comply with Rule 3001 of the Federal Rules of Bankruptcy Procedure.

3. Due to the failure of Creditor to comply with Rule 3001, the Claim no longer benefits from the *prima facie* presumption of validity.

4. Accordingly, the Claim should not be allowed as a secured claim.

5. The Trustee requests that the Claim be allowed in the amount filed but reclassified and treated as a nonpriority unsecured claim.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order sustaining the Objection and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: August 21, 2019

Respectfully submitted,

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Holiday City Auto Sales
3603 Lamar Avenue
Memphis, TN 38118

Dated: August 21, 2019

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN